

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

RILEY L. HOLIFIELD, JR.,	}	
	}	
Plaintiff,	}	
	}	
v.	}	CIVIL ACTION NO.
	}	08-AR-0109-S
	}	
CITY OF BIRMINGHAM, et al.,	}	
	}	
Defendants.	}	

MEMORANDUM OPINION AND ORDER

The motion to withdraw filed by Anthony Piazza ("Piazza") on May 16, 2009, seeking leave to withdraw from the representation of plaintiff, Riley L. Holifield, Jr. ("Holifield"), was set for oral hearing on June 19, 2009. Holifield was expressly ordered to be physically present. Piazza's motion uses the style "Riley L. Holifield, Jr., et al.", and uses the plural word "plaintiffs". This court is unaware of a plaintiff other than Holifield. Only because the motion to withdraw was logically the first motion to be addressed, it was that motion that was set for oral argument. The court deferred the other pending motions which, if Piazza were allowed to withdraw, would be argued, if at all, by other counsel or by Holifield, *pro se*.

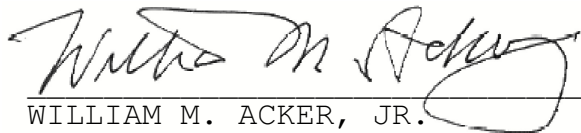
On the afternoon of June 18, 2009, Piazza filed what he styles "Notice of Withdrawal of Motion". At today's setting, Piazza appeared, but Holifield did not. Piazza told the court that Holifield was at work. If Piazza thought that his mere "notice of withdrawal of motion" excused Holifield's absence or abrogated this

court's order, he was incorrect. The court did not until now acknowledge or agree to the withdrawal of the motion to withdraw. It certainly wanted to see and talk to Holifield himself.

Although the court may be sorry that it did not grant Piazza's motion to withdraw before the withdrawal of that motion, the withdrawal of the withdrawal motion is ALLOWED. Piazza still represents Holifield. However, Piazza will not hereinafter be allowed to withdraw and Holifield will not be allowed to fire him. The deposition of Dr. Brissie can proceed.

Plaintiff's Amended Motion for Leave to File Fourth Amended Complaint, filed on May 7, 2009, and plaintiff's Motion to Reinstate State Claims and Add Parties, filed on May 8, 2009, are both hereby taken under submission without oral argument, and will be ruled on in due course, as well as the question of an appropriate sanction for Holifield's failure to appear today.

DONE this 19th day of June, 2009.


WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE